

April 2, 2008

TO: Phyllis Naiad, Washington Federation of State Employees (WFSE)

FROM: Teresa Parsons
Director's Review Program Supervisor

SUBJECT: Richard Porter v. Western Washington University (WWU)
Allocation Review Request ALLO-07-005

On December 20, 2007, I conducted Director's review meetings by telephone conference call concerning the allocation of Mr. Porter's position. Present during the Director's review meeting were you and Mr. Porter; Holly Karpstein, Classification/Compensation Manager at WWU; Rod Walker, Auxiliary Maintenance Supervisor; David Sherwood, Facilities Manager; and Bill Managan, Assistant Director of Facilities Management.

Background

On July 19, 2006, WWU's Human Resources Office received Mr. Porter's Position Questionnaire (PQ). Mr. Porter asked that his Maintenance Mechanic 3 position be reallocated to the Maintenance Mechanic 4 classification. On December 15, 2006, Ms. Karpstein issued WWU's Report of Position Review to Mr. Porter, indicating his position was properly allocated to the Maintenance Mechanic 3 classification.

On January 12, 2007, the Department of Personnel received Mr. Porter's request for a Director's review of WWU's allocation determination.

Summary of Mr. Porter's Perspective

Mr. Porter contends he performed supervisory duties in the absence of his supervisor before and after the relevant time period (January 19 through July 19, 2006). Mr. Porter asserts his duties included signature authority for purchase requisitions and time/leave slips for employees on the maintenance crew. Mr. Porter asserts he is the primary person administering the daily work activities for the crew. Mr. Porter states that he maintains shop inventory, deals with any questions on purchase orders, is on call for emergencies,

interprets blue prints and works with design people, and works with the crew to resolve conflicts. In summary, Mr. Porter asserts his supervisor was absent a lot during this period of time, and he contends he had the responsibility of administering the shop and crew. Therefore, Mr. Porter believes his position should be reallocated to the Maintenance Mechanic 4 classification.

Summary of WWU's Reasoning

WWU acknowledges Mr. Porter filled in for his supervisor over approximately a three-month period from January through March 2006. However, WWU asserts Mr. Porter was compensated for the higher-level duties (HLD) as a Maintenance Specialist 4. WWU further acknowledges that Mr. Porter, on occasion, acts as the maintenance shop supervisor in his supervisor's absence and states that he would be compensated for any higher-level duties that included a full eight-hour work day. Because Mr. Porter's supervisor's shift overlaps with his shift by one hour, WWU acknowledges Mr. Porter may handle any supervisory issues that may arise during that one hour. However, WWU asserts the daily overlap in shifts does not warrant reallocation. WWU contends the majority of Mr. Porter's assigned duties, outside of the time he was compensated for higher-level duties, fall within his lead role. Therefore, WWU asserts Mr. Porter's position is properly classified as a Maintenance Mechanic 3.

Director's Determination

This position review was based on the work performed for the six-month period prior to July 19, 2006, the date the Position Questionnaire was submitted to WWU's Human Resources Office.

As the Director's designee, I carefully considered all of the documentation in the file, the exhibits presented during the Director's review meeting, and the verbal comments provided by both parties. Based on my review and analysis of Mr. Porter's assigned duties and responsibilities, I conclude his position is properly allocated to the Maintenance Mechanic 3 classification.

Rationale for Determination

The purpose of a position review is to determine which classification best describes the overall duties and responsibilities of a position. A position review is neither a measurement of the volume of work performed, nor an evaluation of the expertise with which that work is performed. A position review is a comparison of the duties and responsibilities of a particular position to the available classification specifications. This review results in a determination of the class that best describes the overall duties and responsibilities of the position. See Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

In reviewing the major job duties on the Position Questionnaire, Mr. Porter describes supervision as primary (55%). Those duties can be summarized as follows (Exhibits 3 and 5a):

- Directing the crew each morning;
- Discussing needs and determining course of action;
- Ensuring the crew follows safety procedures;
- Daily evaluation of crew
- Approval of leave requests and purchases
- Reviewing construction documents, making project recommendations, and advising contractors/WWU staff;
- At the end of the day, account for crew and count and secure keys.

In addition, Mr. Porter describes duties relating to the ordering of materials (35%), project management to include reading blueprints (5%), and conducting or attending meetings (5%).

Mr. Porter's supervisor, Mr. Walker, agrees with his description of duties (Exhibit 5b). However, Mr. Walker's supervisor, Facilities Manager Dave Sherwood and the Assistant Director of Facilities Management, Bill Managan, do not agree. Primarily, Mr. Sherwood and Mr. Managan disagree that Mr. Porter had the authority to sign purchase orders and leave slips. Instead, they indicate that authority resides with the shop supervisor (Mr. Porter's supervisor, Mr. Walker) and that Mr. Porter as the shop lead may order materials or help coordinate leave affecting the work he directs. They further describe Mr. Porter's involvement with purchase orders and leave slips as "less than 10%" (Exhibit 5c).

It is undisputed that Mr. Porter temporarily filled in for his supervisor, Rod Walker, for approximately a three-month period during the months of January, February, and March of 2006, while Mr. Walker was on another assignment. However, Mr. Porter was compensated at the Maintenance Specialist 4 level during that period of time (Exhibit 4 – showing HLD for each pay period). It is also undisputed that at times when Mr. Walker was absent, Mr. Porter would again fill in as the supervisor. The university asserts Mr. Walker would be compensated at the higher-level, if he performed the HLD for a full eight-hour shift. Additionally, Mr. Porter may perform some supervisory duties during the one hour each day that his shift overlaps with his supervisor's shift.

In reviewing the Timecard Report (Exhibit C), beginning with April 1 and through July 19, 2006, the time after Mr. Porter had temporarily filled his supervisor's position, Mr. Porter has identified at least one hour per work day as performing supervisory duties, in most cases. While I acknowledge that a supervisory issue may come up during his supervisor's absence, Mr. Walker is still the shop supervisor, even when his scheduled shift overlaps by one hour. As indicated by WWU, Mr. Porter would be considered a temporary supervisor if he worked a full eight-hour shift for his supervisor. The

Timecard Report shows the following eight-hour days as Temporary Supervisor, Code H2090, from April 1, 2006 through July 19, 2006:

4/20/2006
5/12/2006
5/18/2006
5/24/2006
6/6/2006
6/15/2006

The total hours designated as temporary supervisor in eight-hour increments does not make up the majority of Mr. Porter's assigned work time from April 1 2006 through July 19, 2006.

During the Director's review conference, Mr. Walker confirmed that Mr. Porter had in fact been signing leave slips and purchase orders. In an undated memo, Mr. Walker describes Mr. Porter's work, in part, as follows (Exhibit 10 (1)):

Purchasing of materials and parts for Auxiliary Maintenance crew including research by phone, internet pricing, placing the orders and writing the purchase request form.

The research and work leading up to the purchase is part of the "ordering materials" portion of the Position Questionnaire identified as 35% (Exhibits 3 and 5a). Further, Mr. Porter had been authorized to purchase up to \$1,000 using the Purchase Card, similar to other lead positions. With regard to purchasing authority, it is clear Mr. Porter signed purchase forms that extended beyond the three-month period he was assigned HLD (Exhibit E) and did not receive notice to stop performing those duties, outside the temporary supervisor status, until December 12, 2006 (Exhibit 10 (4)). However, in weighting whether or not these duties form the basis for a reallocation, I again reviewed the Timecard Report and found that the hours identified as "ordering H2090" averaged about 2 hours on any given date.

Even when considering purchase authority part of Mr. Porter's daily work, it would account for about 25% of his work time. *(2 hours x 5 days/week = 10 weekly hours / 40 hours per week: Calculating Percentages (<http://www.dop.wa.gov/Resources/Forms/>) included as an attachment (Exhibit 12)).* In addition, I considered the fact that Mr. Walker, as the Auxiliary Maintenance Supervisor, retained supervisory authority, and Mr. Porter only stepped in as the Temporary Supervisor during his absences.

It is undisputed that Mr. Walker has given Mr. Porter latitude in dealing with the maintenance crew. Further, it is clear Mr. Porter is very knowledgeable in his field and is a valuable asset to the Auxiliary Maintenance team. An allocation, however, is not based on an evaluation of performance or an individual's ability to perform higher-level work.

Rather, it is based on the majority of work assigned to a position. The majority of Mr. Porter's assigned work fits within the Maintenance Mechanic 3 classification, which is consistent with the distinguishing characteristics describing this class as the "senior, specialist or leadworker level of the series." The Washington State Classification and Pay Administrative Guide defines lead as follows:

An employee who performs the same or similar duties as other employees in his/her work group and has the designated responsibility to regularly assign, instruct, and check the work of those employees.

Mr. Porter clearly leads the maintenance crew and at times acts as the temporary supervisor. Mr. Porter's duties further meet the Maintenance Mechanic 3 distinguishing characteristics that include specializing in one trade or craft but performing journey-level and semi-skilled work in a variety of disciplines; performing construction, maintenance, and repair; and utilize a working knowledge of several related skill fields such as plumbing, electrical, welding, carpentry, and machinist work.

Although the examples of work do not form the basis for an allocation, they lend support to the work envisioned within a classification. The examples of work at the Maintenance Mechanic 3 level include assigned lead responsibilities; developing preliminary cost estimates of repairs, maintenance or alteration projects; ensuring safety; developing solutions to repair and maintenance problems; and reading and interpreting plans, blueprints and sketches. These examples are consistent with Mr. Porter's duties.

The distinguishing characteristics at the Maintenance Mechanic 4 level state that this is the "supervisory or expert level of the series" where positions are responsible for "shop administration and supervising maintenance personnel." Those primary functions are assigned to Mr. Porter's supervisor. Although Mr. Porter may perform some higher-level duties outside of his classification, he does not perform those duties a majority of the time, unless he is in acting supervisory status and compensated as such. The Personnel Resources Board (PRB) addresses such an issue in the following decision:

Most positions within the civil service system occasionally perform duties that appear in more than one classification. However, when determining the appropriate classification for a specific position, the duties and responsibilities of that position must be considered in their entirety and the position must be allocated to the classification that provides the best fit overall for the majority of the position's duties and responsibilities. See Dudley v. Dept. of Labor and Industries, PRB Case No. R-ALLO-07-007 (2007).

Based on the overall assignment of work, the Maintenance Mechanic 3 classification best describes Mr. Porter's position.

Appeal Rights

RCW 41.06.170 governs the right to appeal. RCW 41.06.170(4) provides, in relevant part, the following:

An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to . . . the Washington personnel resources board Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

The address for the Personnel Resources Board is 2828 Capitol Blvd., P.O. Box 40911, Olympia, Washington, 98504-0911.

If no further action is taken, the Director's determination becomes final.

c: Richard Porter
Holly Karpstein, WWU
Lisa Skriletz, DOP

Enclosure: List of Exhibits